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senger railroad upon a country highway falls under the same rule. Both holdings seem to us to be founded upon good reason as well as authority, and we believe them to be salutary and just."

CITIZENSHIP—CHINESE BORN IN UNITED STATES.—In *United States v. Wong Kim Ark*, 18 Sup. Ct. 456, the Supreme Court of the United States settles the vexed question, whether the declaration of the 14th Amendment declaring that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside," applies to Chinese born in this country, of parents who are resident here, but not subjects of the United States. Affirming the decision of the lower court, the Supreme Court holds (Fuller, C. J. and Harlan, J., dissenting) that such persons if themselves resident here are *ipso facto* citizens, and therefore not subject to the Chinese Exclusion Acts. The opinion is by Mr. Justice Gray, and is an extremely learned and voluminous one.

The eviction of a tenant of the first floor of a building is held, in *Leiferman v. Osten* (Ill.), 39 L. R. A. 156, not to be effected by moving the building to another part of the lot, but so long as he retains possession of the rooms he must pay rent.

THE intentional burning of an insured building by a mortgagor is held, in *Hocking v. Virginia F. & M. Ins. Co.* (Tenn.), 39 L. R. A. 148, to preclude any recovery by a mortgagee to whom the policy was payable "as his interest may appear."

Garnishment of money and property lawfully taken from a prisoner under arrest is held, in *Holker v. Hennessey* (Mo.), 39 L. R. A. 165, to be unlawful while such property is in the hands of the sheriff, as it is in custody of law. See Va. Code, sec. 2985.

THE fraudulent substitution of a copy for the original mortgage by the mortgagor, who had obtained permission to inspect it, and his forgery of an entry of satisfaction on the original, by means of which he procured its discharge on the records, are held, in *Luther v. Clay* (Ga.), 39 L. R. A. 95, insufficient to defeat the rights of the mortgagee, even as against a *bona fide* purchaser of the premises who relied on the records.

THE right to take and sell for debt a perpetual scholarship in a college, which was granted in consideration of a donation and entitled the donor to keep one pupil in the college free of charge, is denied, in *Cleveland Nat. Bank v. Morrow* (Tenn.), 38 L. R. A. 758, as the right to appoint the pupil is a personal privilege of the donee.